

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD EUGENE MIDBY,

Petitioner,

vs.

BRIAN E. WILLIAMS, SR., *et al.*,

Respondents.

2:12-cv-00695-MMD-CWH

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. On April 26, 2012, petitioner filed a petition and paid the filing fee for this action. (ECF No. 1.)

IT IS THEREFORE ORDERED that the clerk shall **ELECTRONICALLY SERVE** the petition (ECF No. 1) upon the respondents. A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

IT IS FURTHER ORDERED that respondents shall have **forty-five (45) days** from entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other response, respondents shall address any claims presented by petitioner in his petition as well as any

1 claims presented by petitioner in any statement of additional claims. Respondents shall raise all
2 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
3 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
4 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
5 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**
6 **five (45) days** from the date of service of the answer to file a reply.

7 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney General
8 of the State of Nevada a copy of every pleading, motion, or other document he submits for consideration
9 by the court. Petitioner shall include with the original paper submitted for filing a certificate stating the
10 date that a true and correct copy of the document was mailed to the Attorney General. The court may
11 disregard any paper that does not include a certificate of service. After respondents appear in this action,
12 petitioner shall make such service upon the particular Deputy Attorney General assigned to the case.

13 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents shall be
14 filed with a separate index of exhibits identifying the exhibits by number or letter. The CM/ECF
15 attachments that are filed further shall be identified by the number or numbers (or letter or letters) of the
16 exhibits in the attachment. **The hard copy of any additional state court record exhibits shall be**
17 **forwarded – for this case – to the staff attorneys in Reno.**

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19 DATED this 24th day of May 2012.

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22 UNITED STATES DISTRICT JUDGE